

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

Civil Action No.:

04-30146-KPN

PEREZ BROTHERS MARKET, INC.,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

PLAINTIFF'S COMPLAINT
FOR JUDICIAL REVIEW
(7 U.S.C. 2023)

1. The Plaintiff is Perez Brothers Market, Inc., a corporation duly organized by law, having a principal place of business at 567 Dwight Street, City of Holyoke, County of Hampden, Commonwealth of Massachusetts. The Plaintiff Perez Brothers Market, Inc., is hereinafter referred to as the Plaintiff.
2. The Defendant is the United States of America which as a department thereof operates the United States Department of Agriculture Food and Nutrition Service. The administrative review branch of the Food and Nutrition Service USDA has a principal place of business at 3101 Park Center Drive, Room 608, Alexandria, Virginia. The Defendant United States of America is hereinafter referred to as the Defendant.
3. On or about July 9, 2004, the Defendant wrongfully acted to disqualify the Plaintiff from participation in the food stamp process.
4. The Defendant's decision is subject to review by this Court pursuant to Section 14 of the Food Stamp Act (7 United States Code 2023) and pursuant to Section 279.7 of the Code of Federal Regulations, a judicial review of the decision is herewith demanded.
5. The decision of the Defendant was erroneous not in accordance with the law and was based upon hearsay and was not proportionate to the allegation of wrong that was committed.
6. Since the decision to disqualify the Plaintiff from the Food Stamp program was unlawful, this Court should vacate that decision and reinstate the Plaintiff's rights under the provisions of the Food Stamp Act.

Steven R. Weiner, Esquire

Attorney at Law
Springfield, MA

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7. The Plaintiff further states that subsequent to the acts which the Defendant has alleged caused the disqualification, the shares of stock belonging to one of the shareholders was sold to a third party.
8. The Plaintiff further states and suggests that the allegation of wrong doing was less than that which should have resulted in a six month disqualification.
9. The Plaintiff further states that a civil money penalty was not assessed and that a civil money type penalty and/or vacating the decision of the administrative review branch would be in accordance with the law.

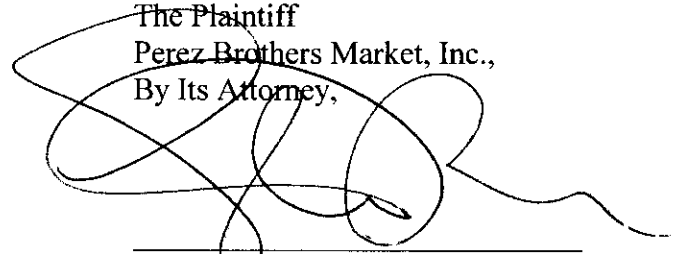
WHEREFORE, Plaintiff demands this Honorable Court:

1. Vacate the decision of the Food and Nutrition Service to disqualify the Plaintiff from the Food Stamp Program.
2. Provide such other relief as the Court deems meet and just.

Dated:

8/6/04

The Plaintiff
Perez Brothers Market, Inc.,
By Its Attorney,



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